



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXECUTIVE COMPLIANCE AGREEMENT Virginia State University

This is an Executive Compliance Agreement (the "Agreement") between the Virginia State University and the Virginia Department of Environmental Quality ("DEQ") pursuant to the Director's authority, as set forth in §§ 10.1-1185 and 10.1-1307.01 (3) of the Code of Virginia, to administer and enforce the State Air Pollution Control Law and regulations.

The Department of Environmental Quality performed a compliance inspection at Virginia State University (VSU) on February 26, 2004 and a subsequent inspection on March 2, 2005. Based on inspection observations and documentation DEQ has reason to believe VSU may be in violation of the following regulatory requirements:

- Failure to install, maintain, and operate a Continuous Opacity Monitor (COMS) to measure and record the concentration of opacity from the Keeler boiler (Emission Unit ID # EU-02) in accordance with 40 CFR Part 60 Appendix B Performance Specification 1. (November 1, 2001 Federal Operating Permit, Section III, B. Permit Condition 2)(9 VAC 80-110 and Condition # 7 of 08/20/97 NSR Permit.);
- Failure to perform stack testing of the Keeler boiler (Emission Unit ID # EU-02) as required in the November 1, 2001 Federal Operating Permit, Section III, C. Permit Condition 2. (9 VAC 5-50-30 and 9 VAC 5-60-30)
- Failure to perform stack testing of the Erie City boiler (Emission Unit ID # EU-04) as required in the November 1, 2001 Federal Operating Permit, Section IV, C. Permit Condition 2. (9 VAC 5-50-30 and 9 VAC 5-60-30);
- Failure to submit Semi-Annual Deviation Reports required in the November 1, 2001 Federal Operating Permit, Section IX, C. Permit Condition 3(a) and (b);
- Failure to submit the Annual Compliance Certification required in the November 1, 2001 Federal Operating Permit, Section IX, D 1 through 5.

To remedy these matters, Virginia State University and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. Virginia State University agrees to be bound by any compliance dates in this Agreement which may predate its effective date.

W. Eric Thomas (for)
Eddie N. Moore Jr., President
Virginia State University

8/4/05
Date

Robert G. Burnley (for)
Robert G. Burnley, Director
Department of Environmental Quality

8/17/05
Date

Virginia State University

APPENDIX A

Virginia State University agrees to:

1. Re-install, perform field audit performance testing, and operate an opacity monitor on Keeler Boiler (Emission Unit ID # EU-02 in accordance with 40 CFR Part 60 Appendix B Performance Specification 1 no later than 45 days from the execution of this agreement.
2. Schedule and perform stack testing of the Keeler Boiler (Emissions Unit ID # EU-02) as required in the November 1, 2001 Federal Operating Permit, Section III, C. Permit Condition 2 no later than 60 days from the execution of this order;
3. Schedule and perform stack testing of the Erie City boiler (Emissions Unit ID # EU-04) as required in the November 1, 2001 Federal Operating Permit, Section IV, C. Permit Condition 2 no later than 60 days from the execution of this order;
4. Assign management responsibility to submit Semi-Annual Deviation Reports and Annual Compliance Certifications including the Title V Certification Forms as required in the November 1, 2001 Federal Operating Permit Section IX C. Permit Condition 3(a) and (b) and Section IX D. 1 through 5.